

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

ADONIS RAMIREZ,
Defendant.

18-CR-669-2 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Defendant moves for a clarification or correction of his sentence. (Dkt. No. 296.) As Defendant correctly observes, in imposing the mandatory 10-year sentence, the Court intended to impose a sentence that fully accounts for the period of time Defendant was incarcerated for the conduct underlying his federal sentence, including his undischarged state sentence. At the time of sentencing, the Court believed that credit for the state sentence was not permitted, but the Court was incorrect in that belief. *See United States v. Rivers*, 329 F.3d 119, 122 (2d Cir. 2003); Sentencing Guidelines § 5G1.3 & Application Note 2. The Government agrees with Defendant's position. (Dkt. No. 300.)

Accordingly, Defendant's 120-month sentence shall reflect **jail credit beginning on October 18, 2017** (rather than on May 2, 2019, as stated in the judgment). For the avoidance of doubt, the Court will issue an Amended Judgment.

SO ORDERED.

Dated: August 10, 2021
New York, New York


J. PAUL OETKEN
United States District Judge